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Attorneys for Billings Clinic

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ESTATE OF MICHAEL OSTBY, BY AND)
THROUGH THE COURT APPOINTED)
PERSONAL REPRESENTATIVES, AND) Cause No. 17-CV-124-BLG-
NICOLE HALE, JOE OSTBY AND) SPW-TJC
CASSANDRA OSTBY, INDIVIDUALLY,)
)
Plaintiffs,)
)
vs.)
)
YELLOWSTONE COUNTY and JOHN)
DOES 1 THROUGH 10,)
)
Defendants.)
)
YELLOWSTONE COUNTY,)
)
Third-Party Plaintiff,)
)
vs.)
BILLINGS CLINIC and RIVERSTONE)
HEALTH,)
)
Third-Party Defendants,)

STIPULATED
PROTECTIVE ORDER
AND CONFIDENTIALITY
AGREEMENT

Third-Party Plaintiff Yellowstone County, Third-Party Defendant Billings Clinic, Plaintiffs Estate of Michael Ostby, Nicole Hale, Joe Ostby, and Cassandra Ostby, and Third-Party Defendant RiverStone Health, and their respective attorneys have stipulated to the terms of this Order. This Order is entered to limit the disclosure of the confidential settlement agreement and release described in the attached Exhibit A, produced in response to discovery including but not limited to **Billings Clinic's Responses to Yellowstone County's First Discovery Requests and Plaintiffs' Responses to Yellowstone County's First Discovery Requests**, and to maintain the confidentiality of such documents. The Court finds that good cause exists for issuance of an Order requiring limited disclosure of the documents and that entry of the Order is appropriate pursuant to Mont. R. Civ. P. 26(c).

Consequently:

IT IS HEREBY ORDERED that the confidential settlement agreement and release, described in the attached Exhibit A, produced through discovery, will be subject to this Order. Further, in the event additional documents are produced by through discovery, the terms and conditions of this Stipulated Protective Order Regarding Confidentiality shall apply to those documents appropriately marked and identified as Exhibits B, C, D, and so forth to the Stipulated Protective Order Regarding Confidentiality. Each document subject to this Order shall be labeled

“CONFIDENTIAL” in red ink. Any party who makes copies of any of the foregoing documents for any permitted use shall mark each page of any copies “CONFIDENTIAL” in red ink.

2. The Confidential Documents may be disclosed only to the following persons:

- a. Record counsel, record counsel’s partners, associates, clerks, legal assistants, secretarial personnel, and co-counsels;
- b. Persons who are, or who are the employees of, independent experts, consultants, document managers, and litigation support contractors retained by counsel or parties to this action;
- c. Officers of corporate parties named in this action, and individuals named in this action;
- d. The court and court personnel, including stenographic reporters;
- e. Any actual or prospective witnesses in this litigation, except that such a person may only be shown a matter designated as confidential during, or in preparation of his or her testimony, and only to the extent necessary for such preparation or testimony.

3. Persons who obtain or review the Confidential Documents pursuant to

Paragraph 2 of this Order may use or disclose such documents only in connection with, or preparation for, settlement negotiations, trial, and other proceedings in

Estate of Michael Ostby, et al. v. Yellowstone County, Cause No. 17-124-BLG-

SPW-TJC, United States District Court for the District of Montana, Billings

Division, and not for any other purpose, and may not at any time show, display, reveal or discuss such documents or the contents thereof to or with any person(s)

other than those listed in Paragraph 2, without consent of the other parties or leave of Court.

4. Nothing in this Order shall limit the rights of the parties to object to any evidence at trial or other evidentiary proceeding in this case on grounds other than those related to this Order.

5. If any party objects to any document classified or identified as "CONFIDENTIAL" per this Stipulated Protective Order Regarding Confidentiality, that party shall notify counsel for the party claiming confidentiality. Counsel for the party claiming confidentiality shall then move the Court for a Protective Order. While a Protective Order is sought for the specific objected to document(s) and until such time as the Court rules on any protective order motion, the document(s) shall remain subject to the terms and conditions of this Stipulated Protective Order and Confidentiality Agreement.

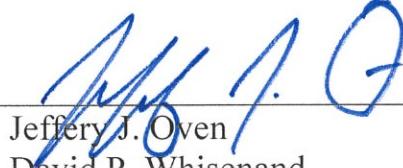
6. Upon termination of this action by settlement and/or final judgment, including all appeals, and within thirty (30) days, the parties which have received any Confidential Documents must return to Counsel for the party claiming confidentiality all documents produced pursuant to this Order, all copies thereof, and any extracts, summaries, or descriptions of the information contained in such material; except that all extracts, summaries, or descriptions that constitute attorney work product must be destroyed.

Third-Party Plaintiff Yellowstone County, Third-Party Defendant Billings Clinic, Plaintiffs Estate of Michael Ostby, Nicole Hale, Joe Ostby, and Cassandra Ostby, and Third-Party Defendant RiverStone Health, by their undersigned counsel, stipulate and consent to the entry of this Protective Order.

RESPECTFULLY SUBMITTED:

CROWLEY FLECK PLLP

By


Jeffery J. Oven
David P. Whisenand
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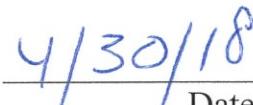
Date Signed

*Attorneys for Third-Party Defendant
Billings Clinic*

YELLOWSTONE COUNTY

By


Levi A. Robison & Mark A. English
Deputy Yellowstone County Attorneys
Yellowstone County Courthouse, Room 701
P.O. Box 35025
Billings, MT 59107



Date Signed

*Attorneys for Defendant &
Third-Party Plaintiff Yellowstone County*

MOYERS LAW P.C. & KOHN LAW, P.A.

By _____

Jon M. Moyers
490 North 31st St., Ste. 101
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5-3-18

Date Signed

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*Attorneys for Plaintiffs Estate of
Michael Ostby, Nicole Hale, Cassandra
Ostby, & Joe Ostby*

MATOVICH, KELLER, & MURPHY

By _____

Brooke B. Murphy
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2812 First Ave. N., Ste. 225
P.O. Box 1098
Billings, MT 59103-1098

5-2-18

Date Signed

*Attorneys for Third-Party Defendant
RiverStone Health*

ORDER

The Court having considered the foregoing stipulation of the parties,

IT IS HEREBY ORDERED that the Stipulation of the parties is confirmed

in all of its particulars and the Protective Order is hereby entered.

Dated this _____ day of _____, 2018.

HON. TIMOTHY J. CAVAN
United States Magistrate Judge

EXHIBIT A

Confidential documents produced in:

BILLINGS CLINIC'S RESPONSES TO YELLOWSTONE COUNTY'S DISCOVERY REQUESTS AND/OR PLAINTIFFS' RESPONSES TO YELLOWSTONE COUNTY'S DISCOVERY REQUESTS

- 1) General Release and Settlement Agreement dated September 1, 2017.
- 2)
- 3)